

REMARKS

Applicant has carefully reviewed and considered the Office Action of 1 September 2006, including the cited prior art. Examiner has rejected claims 1 and 3 under 35 U.S.C. §102(b) as being unpatentable over Pozzuoi (US 5,982,595), claim 2 under 35 U.S.C. §103(a) as unpatentable over Pozzuoli, and claim 4 under 35 U.S.C. §103(a) as unpatentable over Pozzuoli in view of Feller (US 2001/0015107). Further, Examiner has allowed claims 6-15.

Claim Rejections Under 35 U.S.C. §102(b)

Examiner has rejected claims 1 and 3 under 34 U.S.C. §102(b) as being unpatentable over Pozzuoi. Applicant respectfully traverses this rejection.

As to claim 1, Examiner states that Pozzuoli discloses "...the first *and* second communication channels providing bi-directional protection and control information transmission between the first and second relays (14a and 14b in Fig. 1; Col 2, L30-50)". (Emphasis added). Applicant respectfully disagrees that Pozzuoli discloses these elements and limitations.

Pozzuoli discloses a redundant communications scheme for a protective relay. According to the Pozzuoli reference, "communications over a *selectable* primary communication channel are interrupted and *switched* to a secondary communication channel." (Abstract, emphasis added). In particular, the method disclosed in Pozzuoli, "...the serial interface adaptor transceiver 12 outputs the relay information to be transmitted through the primary communication channel... If there is no communication fault on the primary communication channel, the process returns to step 202 to continue transmitting relay information on the primary communication channel. ... If the adaptor/transceiver 12 determines that a communication fault

... exists in step 204, then in step 206 the adaptor/transceiver 12 switches the transmission process to the secondary transmission channel.” (Pozzuoli, Column 3, Lines 22-53). Thus, the relay information is transmitted on the primary channel unless there is a fault on the primary channel, at which time the relay will switch transmission to the secondary transmission channel.

Further, as can be seen in Figure 2, if there is no fault in the primary channel, there is no path to progress to step 206, in which the relay data is output to the secondary channel. The relay data is output to the primary channel only unless there is a fault on the primary channel, at which stage, the data is output to the secondary channel until the fault on the primary channel is cleared. In an alternative embodiment, Pozzuoli states that “transmission can continue indefinitely on the secondary channel, or at least until a fault occurs on the secondary channel, at which time the transmission can be switched back to the primary channel.” (Column 4, lines 19-22). Pozzuoli does not disclose, however, “first and second communication channels providing bi-directional protection and control information transmission”.

Thus, because Pozzuoli in effect discloses a first *or* second communication channel transmitting relay information, and does not disclose “the first *and* second communication channels providing bi-directional protection and control information transmission between the first and second relays” as required by claim 1 (emphasis added) of the present application,

Examiner further declares that Pozzuoli discloses “wherein control of the associated relay output is continuous when the switch transitions between the first and second positions (as shown in Fig. 1 and 2).” Applicant respectfully disagrees with this declaration. Figures 1 and 2 of Pozzuoli show a block diagram of a communication circuit for a protective relay according to an embodiment of the present invention, and a flow chart describing an exemplary transmission scheme in accordance with the present invention, respectfully. Applicant disagrees that these

figures show continuous output. In fact, Pozzuoli states “switching to a secondary channel (step 206) is performed in less than approximately 1.5 ms.” (Column 4, lines 4-5).

Thus, Pozzuoli does not disclose, either expressly or inherently, all of the claimed elements and limitations of claim 1. Applicant respectfully petitions Examiner to withdraw this rejection of claim 1. Further, because claims 2-4 depend on claim 1, these should also be patentable over the Pozzuoli reference.

Claim Rejections Under 35 U.S.C. §103(a)

Examiner has rejected claim 4 as being unpatentable over Pozzuoli in view of Feller (US 2001/0015107). Applicant respectfully submits that Feller is not analogous art. The present application relates to the transmission of data between two sources and the comparison of such transmitted data. The Feller reference addresses “a simplified method for measuring the flow rate of a fluid in which the propagation times of ultrasonic signals transmitted through the fluid can be detected to determine fluid flow rate.” (Feller, Paragraph 0004). Applicant submits that Feller is not “in the field of applicant’s endeavor,” “reasonably pertinent to the particular problem with which the invention was concerned,” “one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem,” or having “subject matter disclosed therein [that] is relevant to the particular problem with which the inventor is involved”. Thus, the Feller reference is not analogous art.

Further, Examiner has not met his burden of presenting a *prima facie* case of obviousness. Applicant suggests that the motivation to combine these disparate references is not immediately apparent. Examiner has not provided an explanation as to why the combination of these teachings is proper.


Lastly, Applicant respectfully traverses Examiner's suggestion that the "alignment" portion of "wherein the protection and control information transmitted on the first and second communication channels undergoes alignment, filtering and logic processing so that the protection and control information is processed identically" is disclosed in the Feller reference. Examiner suggests that the phase detectors 342 and 344 of the Feller reference disclose the alignment of claim 4. The phase detectors 342 and 344, however, provide a voltage output of the difference between receivers A and B. Claim 4 read in light of the specification requires alignment, such as the alignment of two sets of data (from the local and remote sources), not a difference between two receivers.

CONCLUSION

Applicant respectfully submits that in light of the arguments set forth in this response, this application is now in condition for allowance, and requests that a timely Notice of Allowance be issued. However, should Examiner be of the opinion that further amendments or response is required, Applicant encourages Examiner to contact the undersigned attorney at the telephone number set forth below. Further, although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0015.01).

Respectfully submitted,

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